In the High Court of Punjab and Haryana at Chandigarh.

Civil Writ Petition No.18447 of 2007.
Date of decision:6.12.2007.

Autogas India.

...Petitioner.

Versus

State of Haryana and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice Satish Kumar Mittal.

Hon'ble Mr.Justice K. C. Puri.

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Present: Mr. Sunil Chadha Advocate for the petitioner.

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K. C. Puri, J.

Challenge in this writ petition is to the letter dated 21.5.2007, Annexure P6, vide which the State Transport Collector, Haryana,Chandigarh has directed all the Sub Divisional Officers (Civil)-cum- Secretary, RTA Haryana that private vehicles in which LPG Gas Kit has been installed illegally be challaned and till refilling station of LPG does not come up in Haryana and the vehicle owners does not satisfy the concerned authority to the effect that he/she shall get the same refilled from the authorized gas dealer, no endorsement of LPG Gas Kit shall be made on the vehicle of any vehicle owner.

Petitioner Autogas India has pleaded that M/s Officine Lovato (hereinafter to be referred as the Company) is an international Company based in Italy. The said Company is manufacturing and selling Compressed

National Gas (CNG) and Liquified Petroleum Gas (LPG) Kits for being fitted in vehicles for use as a fuel and has obtained ISO certificate in this regard. The business of the petitioner-firm is to import,distribute and fit LPG Gas Kits of aforesaid Company i.e. Lavato which has been duly approved by the Government of India. Use of LPG as a fuel in the cars drastically reduces the fuel emissions and consequently helps in keeping the environment pollution free to a great extent. The petitioner is selling the LPG Gas Kits.

It is further pleaded that the State Transport Collector has issued letter dated 21.5.2007 (Annexure P6) vide which all the Sub Divisional Officers (Civil)-cum- Secretaries, RTA, Haryana have been directed that as per decision of the District Food Advisory Committee, endorsement of LPG Gas Kit be not made on any vehicle of vehicle owner till arrangement of refilling station in District Hisar is not made. It is also mentioned in the said letter that the private vehicles in which LPG Gas Kit had been illegally installed, be challaned. It is also mentioned in the said letter that besides this, till refilling station of LPG does not come up in Haryana and the vehicle owner does not satisfy the concerned authority to the effect that he/she shall get the same refilled from the authorized LPG gas dealer, no endorsement of LPG Gas Kit shall be made on the vehicle of any vehicle owner. The petitioner has alleged that he made a representation to the concerned authority but no decision has been taken.

The learned counsel for the petitioner has argued on the lines of pleadings and has submitted that by issuance of said letter, the petitioner has been virtually debarred to sell the LPG Gas Kit. That order is liable to be quashed, being against the principles of natural justice. No opportunity of

hearing was given to the petitioner before passing the impugned order. It is further submitted that an identical matter came up before the Hon'ble High Court of Gujrat at Ahmedabad. Interim order was passed by the Hon'ble High Court but since later on LPG stations were established in Rajkot, as such the Hon'ble High of Gujarat passed the order, Annexure P8.

We have heard learned counsel for the petitioner.

It is a matter of common knowledge that Central Government is providing LPG gas to the domestic consumer at highly subsidised rates. In Annexure P6, the District Food Advisory Committee has taken into account that LPG Gas Cylinders meant for domestic consumer are being used in LPG Kits meant for vehicles. That fact creates shortage of LPG Gas Cylinders for domestic consumer. There is no gas station throughout in Haryana, as such there is no LPG Gas refilling facility in Haryana. The State Transport Controller has stated in Annexure P6 that private vehicles in which LPG Gas Kit has been illegally installed should be challaned. That part has not been challenged by the petitioner during the course of arguments. However, the remaining part also remains unassailable. The State Transport Controller has categorically stated in Annexure P6 that in case the vehicle owner is able to satisfy the authority that there is some authorised Gas dealer, in that case, the LPG Gas Kit be registered. Only those vehicle owners who could not show that there is facility for LPG Gas refilling should not be registered. Annexure P6 is a rational order, keeping in view the interest of domestic LPG users. There was absolutely no point in hearing the petitioner before passing the impugned order as the petitioner has not been debarred from selling the LPG Gas Kits. Admittedly, there is no gas refilling facility in Haryana. If in spite of that, any LPG Gas Kit is

allowed to be registered, in that case, the owner would revert to illegal refilling of gas from LPG Gas Cylinders meant for domestic purposes. The allowing of relief to the petitioner would amounts to encouraging the illegal use of LPG Gas means for domestic consumer. No legal right of the petitioner has been violated by passing the impugned order, Annexure P6. Rather, the said order is in the interest of public.

Therefore, the writ petition is without any merit and the same stands dismissed.

(K. C. Puri)
Judge

6.12.2007.
Jaggi

(Satish Kumar Mittal)
Judge